

From: Bill Robinson
To: Microsoft ATR
Date: 1/7/02 9:08am
Subject: Microsoft Settlement!

Greetings Judge Kollar-Kotally,

There comes a time at least once in everyone's life when a monumental decision is thrust upon them. A "moment of truth," if you will. A decision between right and wrong ... truth and justice or dishonesty and injustice. You, Judge, have the burden of such a decision right now. I can only imagine what it must be like to have your "moment of truth" involve so many economic, political, technological and human implications. I pray that you make the wise and honorable decision that all ethical business people hope you will make: That is, to reject the Proposed Final Judgment (PFJ) that Microsoft is so eagerly and greedily seeking and do what you can to force the right remedies to be exacted upon Microsoft, so as to level the playing field.

Having written columns for major technology, business and investment magazines for the last two years, while appearing on CNN, SKY News, PBS and Bloomberg TV, I speak with a tad more authority than most casual observers. Microsoft violated, and continues to violate, every reasonable and ethical business value and concept ... there is literally nothing to which they will not stoop. A few examples:

****It is pretty well known that Microsoft's internal strategy has always been the "Three E's." One might hope that this scheme is some warm and fuzzy, people-oriented plan for business success, perhaps Ethics, Empathy and Employees ... and one would be dead wrong! The three E's stand for: Embrace, Extend and Extinguish. The way Microsoft has employed this devious strategy time and time again is: First, Microsoft embraces a much smaller competitor in whose technology they see some potential, or threat to one of their myriad of businesses; second, Microsoft extends the competing technology to work best with their Window proprietary platform; and, finally, Microsoft extinguishes the competitor. This is precisely the sequence of events Microsoft used against Netscape a few years ago. Just ask Jim Barksdale.**

In my estimation, there is absolutely no place in business for this kind of evil intention or dastardly operational scheming.

****I personally know tech CEOs who have received the now infamous phone nagtigrams from Microsoft CEO Steve Ballmer. During these calls, Ballmer threatens the CEO's business, employees, income and subsequently, families, if they won't do whatever it is in particular that he wants them to do. The only parallel I can draw between this kind of behavior is one of how organized crime operates when they try to enter an industry through threats, extortion and protection rackets.**

I hope Rudy Guliani becomes the US Attorney General someday, as he knows how to prosecute these types of criminals very effectively and he would find it amazingly easy, I believe, to bring Ballmer, et. al. up on serious RICO charges.

**The ways that Microsoft deals with its partners is nefarious. Only interested in the benefit any particular relationship brings to themselves, they have made a consistent habit of pressuring smaller partners, who of course want to work closely with Microsoft, into unreasonable concessions, ill advised contributions and poor decisions with regard to affording Microsoft an unfair competitive advantage. If you dig a bit, you will find that even Microsoft's closest henchmen such as Compaq, Dell and others, internally despise Microsoft and wish for it to get its comeuppance.

**Microsoft has gotten a lot of mileage out of the fallacious claim that they are innovators of technology, or that in some silly way they stimulate innovation and competition in the marketplace. This could not be further from the truth. From the very inception of Microsoft, where Bill Gates paid \$80,000 to a small Washington state software company to obtain what would eventually become the MS-DOS, or Windows operating system and allow Microsoft to completely and unfairly dominate the software business, Microsoft has not innovated much of anything. Let's see, they bought their monopoly from the company who innovated the operating system, stole the "look and feel" from Apple Computer and forced it down the throats of IBM and virtually every other computer OEM (Original Equipment Manufacturer) and that of business, consumer and personal users worldwide. Nice. Nice way to build a business. Then, they either stole or bought virtually every application they then used to bludgeon other software and application developers into oblivion. Ask any non-Microsoft software or application developer (this should be easy, as the vast majority of these technology people are not employed by Microsoft, and hence are anti-Microsoft), whether their innovative work has been slowed, hampered or stymied by Microsoft in one way or another, and the answer will always be "yes."

The sheer temerity that it takes for Microsoft to claim that somehow innovation in technology will suffer if they are held accountable for their crimes is absurd and astonishing. Fact is, I cannot think of, and Microsoft cannot with a straight face proffer anything of real substance that it has directly and completely invented. Innovation, would not as Microsoft says, suffer, but explode with unleashed energy which until then was suppressed by Microsoft's total domination of the software industry along with their unfair and anti-competitive business practices.

In summation, as I aggressively stated in a CNN interview some five years ago, "Microsoft undeniably violates every anti-trust law every

written. There can be no argument made that Microsoft should be left intact and allowed to bully, harass and control other software and technology companies, given the US Supreme Court's decisions to break up Standard Oil in 1911, severely limit IBM in 1954 and break up AT&T in 1973. It is just not possible. Microsoft dominates their business sector to a greater extent than John D. Rockefeller or AT&T ever did. If the US government saw fit to split these businesses, then Microsoft should receive this treatment and more. More aggressive penalties will have to be created so that the damaged parties can be recompensed, so that future competition and innovation will be secured and so that Gates and Ballmer will never again resort to these kinds of business operations which even Machievelli would have found distasteful."

Please make the right decision, Judge ... during this, your "moment of truth." God Bless America!

All the Best, Bill

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